

4:23-cv-00338

2023-001850-3

E-FILED  
TARRANT COUNTY, TEXAS  
3/9/2023 8:36 PM  
Mary Louise Nicholson  
COUNTY CLERK  
BY: E.V. S.

CAUSE NO. \_\_\_\_\_

LANA JOHNSON,	§	IN THE COUNTY COURTS OF
Plaintiff,	§	
	§	
vs.	§	TARRANT COUNTY, TEXAS
	§	
VERTEX AEROSPACE LLC	§	
Defendant.	§	COURT AT LAW NO. ____

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PLAINTIFF'S ORIGINAL PETITION

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TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW LANA JOHNSON (hereinafter referred to as "Plaintiff") Plaintiff in the above-numbered and styled cause, complaining of VERTEX AEROSPACE LLC (hereinafter referred to as "Defendant"), and for her cause of action would respectfully show the Court and jury the following:

**I.**  
**Discovery**

Pursuant to Tex. R. Civ. P. 190, a Level 1 discovery control plan is appropriate in this case. Plaintiff seeks only monetary relief of less than \$250,000.00 including damages of any kind, penalties, cost, expenses, pre-judgement interest and attorney fees.

**II.**  
**Parties, Jurisdiction and Venue**

Plaintiff is a resident of Fort Worth, Tarrant County, Texas the last four digits of Plaintiff's social security number are 7845 and the last three digits of Plaintiff's drivers' license are 694.

**EXHIBIT**

**A**

Defendant VERTEX AEROSPACE LLC is licensed to do business in Texas and may be served with process by serving its registered agent, Corporate Creations Network Inc., 5444 Westheimer, #1000, Houston, TX 77056.

This Court has jurisdiction over the subject matter of this cause as the amount in controversy is in excess of the minimum jurisdictional limits of this Court.

Venue is proper in Tarrant County, Texas pursuant to section 15.002(a)(1) of the Texas Civil Practice and Remedies Code as a substantial part of the events giving rise to this cause of action occurred in Tarrant County, Texas.

### **III. Facts**

Plaintiff, Caucasian female, was hired by the Respondent on December 30, 2002, had been with the company for almost 20 years and was qualified to do the job she was hired to do. Plaintiff was the only female aircraft mechanic on her shift.

Hunter McMahon, Caucasian male, was with the company for about 25 years. Plaintiff believes it was common knowledge, Mr. McMahon had a problem with prescription pills and alcohol for most of those years. For the last two or three months it has looked like he was taking too much medication.

On Friday, May 28, 2021, as Plaintiff walked out of the bathroom stall room zipping up her pants; Hunter was standing in the ladies bathroom throwing water in her face. When she told him he scared the crap out of her. Hunter said, "I know I'm just feeling really weird." They did not have a lead on that shift so Plaintiff told co-worker Robert Esquevell about Hunter coming in the bathroom. Mr. Esquevell told Plaintiff she needed to tell someone what happened in the ladies room.

Plaintiff did not work Saturday and Sunday, Monday was a holiday, so on Tuesday, June 1, 2021, Plaintiff reported the incident to Supervisor, Nathan Freeman. Immediately after Plaintiff reported the ladies room incident, Hunter started to harass the Plaintiff. Hunter normally ate his lunch in the break room, and Plaintiff normally ate lunch at the radio shop. Hunter started to act like he was a supervisor or a lead person above the Plaintiff, telling Plaintiff what to do in a very demanding manner. Hunter was in Plaintiff's face in a harassing manner three times in 20 minutes just before lunch. Plaintiff told Hunter it's 5 o'clock, and she was taking lunch. Plaintiff walked away and got lunch. Hunter was sitting in the radio shop in the spot where Plaintiff normally ate lunch. Plaintiff always had her personal cell phone charger plugged in that spot since that is where she always sat at lunch and break. Plaintiff reached and unplugged the cord to leave the area to avoid confrontation. Plaintiff did not know that Hunter had plugged his phone into her personal charging cord. As Plaintiff unplugged the cord it caused Hunter's phone to fall, Plaintiff caught Hunter's phone before it hit the ground and handed it to him, Hunter started yelling, "Goddamit, Goddam you; you fucking bitch, you think you're such an entitled cunt." Plaintiff told Hunter to leave her alone and kept walking to the hanger. Hunter continued following and cursing at her. Plaintiff did tell Hunter to fuck off and leave her alone, but that was because he would not stop following her around cursing at her. Plaintiff did not stop and get into a threatening conversation with him over a cell phone charger. Hunter continued following Plaintiff around harassing and cursing at her. Hunter was retaliating against Plaintiff because she complained about sexual harassment and reported the bathroom incident to the supervisor. Plaintiff contends she was terminated because of her gender, age and in retaliation for complaining about sexual harassment. Plaintiff pleads a cause of action against Defendant for gender discrimination, age discrimination, sexual harassment and retaliation

for complaining about sexual harassment in violation of Title VII of the Civil Right Act of 1964, the ADEA, the Texas Commission on Human Rights Act, and Chapter 21 of the Texas Labor Code. Plaintiff has exhausted all administrative remedies as shown by her Right to Sue letter, attached as Exhibit "A".

#### **IV. Damages**

As a result of said wrongful discharge, Plaintiff has been damaged in that Plaintiff has lost wages and benefits in the past and may suffer a loss of future earnings and benefits. Plaintiff has further suffered mental anguish in the past and will continue to suffer mental anguish in the future. Plaintiff brings this cause of action to recover such damages.

Plaintiff will show that she is entitled to exemplary damages as a result of the willful, intentional and malicious wrongful discharge/termination and/or discrimination by the Defendant. Plaintiff further is entitled to exemplary damages in that the defendant acted with intentional malice in terminating her employment. Plaintiff is further entitled to reasonable attorney fees for representation in this lawsuit.

#### **V. Jury Demand**

Plaintiff hereby demands trial by jury.

WHEREFORE, Plaintiff prays that the Defendant be cited to appear and answer herein and that, upon final trial of this cause, Plaintiff have and recover judgment from the Defendant as follows: actual damages in a sum in excess of the minimum jurisdictional limits of the Court, attorney's fees, punitive damages in a sum in excess of the minimum jurisdictional limits of the Court; pre-judgment interest as provided by law; interest on the judgment at the legal rate; costs of

court; attorney fees, and such other relief, at law or in equity, to which Plaintiff may show herself justly entitled.

Respectfully Submitted,  
**Law Offices of Christian Jenkins, P.C.**  
By:/s/ Christian Jenkins  
Christian Jenkins  
State Bar No. 10625500  
1307-B West Abram, Suite 100  
Old Town Office Plaza  
Arlington, Texas 76013  
jenkins5@aol.com  
(817) 461-4222 – telephone  
(817) 461-5199 – facsimile

EEOC Form 161-B (01/2022)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: Ms. Lana Johnson  
7349 Chambers Lane  
Fort Worth, TX 76179

From: Dallas District Office  
207 S. Houston Street, 3rd Floor  
Dallas, TX 75202

EEOC Charge No.  
450-2022-01481

EEOC Representative  
DEIDRA HENRY,  
Enforcement Manager

Telephone No.  
9729183593

(See also the additional information enclosed with this form.)

NOTICE TO THE PERSON AGGRIEVED:

**Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), or the Genetic Information Nondiscrimination Act (GINA):** This is your Notice of Right to Sue, issued under Title VII, the ADA or GINA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII, the ADA or GINA **must be filed in a federal or state court WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

More than 180 days have passed since the filing of this charge.

The EEOC is terminating its processing of this charge.

**Age Discrimination in Employment Act (ADEA):** You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, the EEOC is closing your case. Therefore, your lawsuit under the ADEA **must be filed in federal or state court WITHIN 90 DAYS of your receipt of this Notice.** Otherwise, your right to sue based on the above-numbered charge will be lost.

**Equal Pay Act (EPA):** You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission

Digitally Signed For: Travis M. Nicholson  
01/10/2023

Travis M. Nicholson  
District Director

Enclosures(s)

cc: Gareth C Leviton  
Vertex Aerospace, LLC  
555 INDUSTRIAL DR S  
Madison, MS 39110  
Gareth Leviton  
Vertex Aerospace, LLC  
555 Industrial Drive South  
Madison, MS 39110-9072

CHRISTIAN JENKINS  
LAW OFFICE OF CHRISTIAN JENKINS  
1307B W. ABRAHAM STREET SUITE 100  
PANTEGO, TX 76013  
Anita Wiggins  
CHRISTIAN JENKINS LAW  
Anita@ChristianJLaw.com

Enclosure with EEOC  
Form 161-B (01/2022)

## INFORMATION RELATED TO FILING SUIT UNDER THE LAWS ENFORCED BY THE EEOC

*(This information relates to filing suit in Federal or State court under Federal law.  
If you also plan to sue claiming violations of State law, please be aware that time limits and other  
provisions of State law may be shorter or more limited than those described below.)*

### **PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA), the Genetic Information Nondiscrimination Act (GINA), or the Age Discrimination in Employment Act (ADEA):**

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge **within 90 days of the date you receive this Notice**. Therefore, you should **keep a record of this date**. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed **within 90 days of the date this Notice was mailed to you** (as indicated where the Notice is signed) or the date of the postmark, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

### **PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):**

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: back pay due for violations that occurred **more than 2 years (3 years) before you file suit** may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/08 to 12/1/08, you should file suit **before 7/1/10** -- *not* 12/1/10 -- in order to recover unpaid wages due for July 2008. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA, GINA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA, GINA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice and within the 2- or 3-year EPA back pay recovery period.

### **ATTORNEY REPRESENTATION -- Title VII, the ADA or GINA:**

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do not relieve you of the requirement to bring suit within 90 days.

### **ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:**

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, **please make your review request within 6 months of this Notice**. (Before filing suit, any request should be made within the next 90 days.)

***IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.***